

October 28, 2019

**VIA ECF**

The Hon. Katherine Polk Failla  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Fasano, et al. v. Li, et al., No. 16-cv-8759 (KPF): Motion for Extension on Consent

Dear Judge Failla:

We represent Plaintiffs in this action. We write to request a nine-day extension of the deadline to file an opposition to Defendants' renewed motion to dismiss, from November 6 to November 15, 2019. Defendants do not oppose this request. This is Plaintiffs' first request for an extension of the deadline to oppose the motion to dismiss.

The reason for this motion for extension is that Plaintiffs' counsel has a conflict with two other matters. *First*, Plaintiffs' counsel has a post-trial oral argument for another matter in Delaware Chancery Court on October 31, 2019, which conflicts with the current briefing schedule. *Second*, Plaintiffs' counsel had to brief pre-trial motions and attend a pre-trial conference held on October 25, 2019 for *FIH, LLC v. Foundation et al.*, Case No. 3:15-cv-00785 (JBA) (D. Conn.). Thus, an extension is necessary to adequately prepare an opposition brief on a reasonable timeline.

We have consulted with Defendants' counsel and they do not oppose Plaintiffs' request for an extension. Defendants' counsel agrees to have its Reply Brief date re-set to December 16, 2019. Per the Court's Individual Rules, a revised scheduling order is attached.

Respectfully submitted,



Ben Hutman

Application GRANTED. Plaintiffs' deadline for their opposition memorandum is extended to November 15, 2019, and Defendants' deadline for their reply is extended December 16, 2019.

Dated: October 28, 2019  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA